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In re Application of :
Ellen M. Heath et al :
Serial No.: 09/974,798 : PETITION DECISION
Filed: October 12, 2001 :
Attorney Docket No.: 17094-002001 :

This is in response to the petition under 37 CFR 1.181, filed on May 18, 2004 for withdrawal of Notice of abandonment of the above identified application based on failure to receive an Office action mailed on September 09, 2003.

A review of the file history shows that the examiner mailed a Non-Final office action on September 09, 2003, setting a three month shortened statutory period of reply. Upon failure to receive a reply to the Non-Final office action mailed on September 09, 2003, Office mailed a Notice of Abandonment to applicants on March 18, 2004.

On May 18, 2004, applicants filed the Petition to withdraw the abandonment along with the Docket reports showing that no Non-final office action was received in this application, and a declaration by Gray Oehlke, and copy of Revocation and New Power of Attorney, with change of Address.

In view of the evidence presented the Notice of Abandonment is withdrawn and the application is restored to pending status. **The application will be forwarded to the examiner for mailing of a new Office action.**

The petition is **GRANTED**.

Should there be any questions about this decision please contact Jean F. Vollano, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0648 or by facsimile sent to the general Office facsimile number.

Bruce Kisliuk
Director, Technology Center 1600